1946

File No. Court Fee II/46.

Legal Department

B **BRANCH**

Subject:— Rules and Notifications under the Court Fees Act, 1870

FILE

File No. Court Fees II/46.

Gen. 194 a.

183-B

Office of the R.L.A.

A revised draft notification is sent herewith.

2. From the R.D. notes at pages 17-21 ante it appears that the intention is to remit fees not in respect of all applications as proposed in the R.D. draft notification at page 25 ante but only in respect of applications made to Revenue Officers for obtaining copies or extracts from revenue records and in respect of other matters. The revised draft notification provides accordingly. The expression "Backward Classes including Aboriginals and Hill Tribes" has been replaced in the revised draft by 'backward tribes'. Attention is in this connection invited to R.L.A' s opinion No. 4988, dated 18th June 1942.

3. The proposal to remit fees in respect of application made under sections 12, 13 and 24 of the Bombay Tenancy Act, 1939, is not feasible. Sub-section (10) of section 12 of the Tenancy Act provides that notwithstanding anything contained in the Court-fees Act, 1870, every application made under the Act (the Bombay Tenancy Act, 1939) to the Mamlatdar shall bear a court-fees stamp of such value as may be prescribed. Rule 5 of the Bombay Tenancy Rules provides that every application made to a Mamlatdar under the Bombay Tenancy Act, 1939, shall bear a court-fee stamp of annas 8. These provisions override the provisions of the Court-fees Act and make payment of court fees of the prescribed value compulsory in respect of applications made to Mamlatdars under the Tenancy Act. Those fees are not the fees mentioned either in the first or second Schedule to the Court-fees Act, 1870. These are fees prescribed by a special law and that being so, it would not be possible to remit them under section 35 of the Court-fees Act, 1870. Reference to remission of fees in respect of applications under sections 12,13 and 24 of the Bombay Tenancy Act, 1939, has therefore been omitted in the revised draft.

Sd/- [illegible]
23/3/46
Remembrancer of Legal Affairs

O.C.

U.R. to R.D. No. 2283 , dated the 20th March 1946.

Mjr/12/8